

### **Remarks**

In response to the Office Action mailed on May 11, 2007, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, claims 1, 6, 11, 20, 28, and 30 have been amended, claims 4 and 9 have been canceled without prejudice or disclaimer, and new claims 33-34 have been added. The claims have been amended to correct various informalities and to incorporate the features of now canceled dependent claims 4 and 9 which, in the Office Action, were objected to as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No new matter has been added.

Claims 1-4, 6, 8, 9, 11, 13-24, 26, 28, and 30 are pending in the application. In the Office Action, claims 1, 6, 11, and 28 are objected to for various informalities. Claims 28 and 30 are rejected under 35 U.S.C. § 101 as allegedly being direct to non-statutory subject matter. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gudmundsson et al. (US 6870901, hereinafter “Gudmundsson”) in view of Swartz et al. (US 20030074463, hereinafter “Swartz”). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gudmundsson and Swartz and in further view of the article “Efficient Implementation of Semaphores in Controller Area Networks” by Cena et al., Industrial Electronics, IEEE Transactions on, Volume 446, Issue 2, April 1999, pp. 417-428 (hereinafter “Cena”). Claims 11, 13, 14-19, 20, 21-24, and 26 are allowed. Claims 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Specification**

In the Office Action, page 2, lines 4 and 13 of the disclosure are objected to for containing an embedded hyperlink and/or other form of browser-executable code. Pursuant to

MPEP 608.01 VII, “Examples of a hyperlink or a browser-executable code are a URL placed between these symbols “< >” and http:// followed by a URL address.” In response, the Specification has been amended to delete “http://” preceding the disclosed URL addresses, thus removing the embedded hyperlinks. Accordingly, it is respectfully submitted that the objection to the Specification be withdrawn.

### **Claim Objections**

In the Office Action, claims 1, 6, 11, 20, and 28 are objected to for not spelling out at least once in full text, the acronyms “ADSL” and “DSLAM.” In response, claims 1, 6, 11, 20, and 28 have been amended to spell out the aforementioned acronyms. Accordingly, it is respectfully submitted that the objection to claims 1, 6, 11, 20, and 28 be withdrawn.

### **Claim Rejections - 35 U.S.C. §101**

In the Office Action, claims 28 and 30 are rejected as being allegedly directed to non-statutory subject matter for claiming a computer program (i.e., a “control algorithm”) which is not embodied on a computer readable medium. As reflected above in the section entitled “Amendments to the Claims,” claims 28 and 30 have been amended to recite a computer-readable storage medium having computer-readable instructions which, when executed on a computer, will cause the computer to perform a method of providing asymmetric digital subscriber line (ADSL) provision flow control at a digital subscriber line access multiplexer (DSLAM) switch. Based on the foregoing, amended claims 28 and 30 are allowable and the rejection of these claims under 35 U.S.C. 101 should be withdrawn.

### **Claim Rejections - 35 U.S.C. §103**

#### Claims 1, 2, 6, and 8

In the Office Action, claims 1, 2, 6, and 8 are rejected as being unpatentable over Gudmundsson in view of Swartz. As discussed above, independent claims 1 and 6 have been amended to incorporate the features of canceled claims 4 and 9 which, in the Office Action, have been identified as containing allowable subject matter over the cited references of record. Therefore, amended claims 1 and 6 are allowable over the combination of Gudmundsson and Swartz and the rejection of these claims should be withdrawn. Claims 2 and 8 depend from amended claims 1 and 6 respectively, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

#### Claim 3

In the Office Action, claim 3 is rejected as being unpatentable over Gudmundsson in view of Swartz and further in view of Cena. Claim 3 depends from amended claim 1 and thus specifies at least the same features. As discussed above, amended claim 1 is allowable over the combination of Gudmundsson and Swartz. It is respectfully submitted that Cena, relied upon in the Office Action for allegedly curing the deficiencies of Gudmundsson and Swartz, fails to teach, disclose, or suggest at least a second object defined by the network management system for representing that a graphic user interface (GUI) operator is requesting activity on the DSLAM switch wherein a request of the GUI operator bypasses requests of the batch process and is processed with priority, as specified in claim 3. Cena is concerned with the implementation of semaphores in controller area networks and thus, like Gudmundsson and Swartz, fails to teach, disclose, or suggest at least the aforementioned features specified in claim 3. Based on the foregoing, neither Gudmundsson, nor Swartz, nor Cena, alone or in

combination, teaches, discloses, or suggests each of the features specified in claim 3. Therefore, claim 3 is allowable and the rejection of this claim should be withdrawn.

### **New Claims**

New independent claims 33 and 34 correspond to the immediate previous versions of independent claims 1 and 6. It is respectfully submitted that these claims are allowable over the combination of Gudmundsson and Swartz for at least the following reasons.

Claim 33 specifies a system for an asymmetric digital subscriber line (ADSL) access network for providing ADSL provision flow control at a digital subscriber line access multiplexer (DSLAM) switch. The system includes a network management system in communication with an element management system that is in communication with the DSLAM switch, the network management system including a control algorithm for controlling ADSL provision flow on a DSLAM switch by introducing a two level semaphore including a first semaphore and a second semaphore; and an object defined by the network management system for representing that a batch process is requesting activity on the DSLAM switch; wherein the first semaphore controls a first provision request flow at the element management system level and the second semaphore controls a second provision request flow at the DSLAM switch level.

It is respectfully submitted that the combination of Gudmundsson and Swartz fails to teach, disclose, or suggest each of the features specified in claim 33. For example, the combination of references fails to disclose an object defined by the network management system for representing that a batch process is requesting activity on the DSLAM switch. As admitted in the Office Action, Gudmundsson does not disclose an object defined by the network management system for representing that a batch process is requesting activity on the DSLAM switch. Swartz relied upon in the Office Action for allegedly curing the deficiencies of

Gudmundsson, merely discusses the use of a network service provider (NSP) for submitting a service request to local service access management (LSAM) for breaking up the service request into provisioning components. Each component is then routed to a local service provider (LSP) such that a new access line might require provisioning activity by both an LSP2, which programs the switch, and an LSP1, which provides loop functionality. Swartz however, differs from the features specified in claim 33, in that the reference fails to disclose requesting activity on a DSLAM switch. As discussed in Swartz, a service request is routed to a local service provider which programs a switch and which provides loop functionality. Thus, there is not teaching or suggestion in Swartz of requesting activity on a digital subscriber line access multiplexer or DSLAM switch.

Based on the foregoing, the combination of Gudmundsson and Swartz fails to teach, disclose, or suggest each of the features specified in independent claim 33. Therefore, claim 33 is allowable for at least the foregoing reasons. Claim 34 recites similar features as claim 33 and thus is also allowable for at least the foregoing reasons.

### **Conclusion**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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